

AGENDA MEMO

CITY COUNCIL MEETING OF: DECEMBER 16, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-36242 - APPLICANT: IT'S MINE NOW, LLC - OWNER:
TRANSWESTERN INVESTMENT HOLDINGS CHEYENNE FOUNTAINS, LLC, ET AL**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Thriftshop use.
2. Conformance to the conditions for Rezoning (Z-0061-89) and Site Development Plan Review [Z-0061-89(1)].
3. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to or at the time application is made for a business license, to depict handicap accessible spaces in compliance with Title 19.10 requirements.
4. Hours of operation shall be limited to 10:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. Saturday.
5. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for a proposed 1,200 square-foot Thriftshop at 7450 West Cheyenne Avenue, Suite #104. The proposed Thriftshop would feature new and used sales of children's merchandise. The suite most recently housed a new clothing store. The proposed use meets the minimum Special Use Permit requirements for a Thriftshop under Title 19 and is compatible with surrounding land uses. Staff therefore recommends approval of this request. If this application is denied, the proposed Thriftshop use cannot be located within the subject tenant space, nor can a business license be obtained for this use at this location.

ISSUES

- No previous Special Use Permits for a Thriftshop or Secondhand Dealer use have been requested in the subject shopping center.
- The request has been deemed a Project of Regional Significance per Title 19.18.010 because it is located within 500 feet of the city's boundary with Clark County. A regional assessment was sent to all affected departments and entities for comment. The Flood Control Section of the City of Las Vegas Department of Public Works had no comment and does not require a drainage study for this project. The Las Vegas Valley Water District determined that the request would not have a significant impact on the District's water supply system.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
01/04/89	The City Council approved an Annexation (A-0015-88) located at the northeast corner of Cheyenne Avenue and Buffalo Drive, containing approximately 4.5 acres. The Planning Commission and staff recommended approval. The annexation became effective 01/13/89.
07/19/89	The City Council approved a Rezoning (Z-0061-89) from R-E (Residence Estates) to C-1 (Limited Commercial) on the subject site. The Planning Commission recommended approval.
03/21/90	The City Council approved a Plot Plan Review [Z-0061-89(1)] for a proposed shopping center on the subject site. The Planning Commission and staff recommended approval.
06/28/99	The City Council approved a Special Use Permit (U-0045-99) for the on-premise sale of beer and wine in conjunction with a 2,000 square foot restaurant and a waiver of the minimum 400-foot distance separation from a church. The Planning Commission and staff recommended approval.

04/15/04	Code Enforcement inspected property at 7450 West Cheyenne Avenue in response to a complaint (#12347) that a restaurant was dumping grease into an outside drain and that water from roof is draining into adjacent mini-storage property. Code Enforcement resolved the case on 06/01/06.
11/19/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #6/ss).
Related Building Permits/Business Licenses	
05/08/96	A building permit (#96394148) was issued for a retail shell building at 7450 West Cheyenne Avenue. A final inspection was completed 10/09/96.
11/25/96	A building permit (#96023365) was issued for an interior remodel at 7450 West Cheyenne Avenue, Suite #104. A final inspection was completed 11/27/96.
08/08/97	A business license (R05-001930) was issued for a take-out restaurant at 7450 West Cheyenne Avenue #102. The license is active.
09/16/04	A business license (R23-00288) was issued for recreational instruction at 7450 West Cheyenne Avenue, Suite #106. The license is active.
05/02/05	A business license (R01-00670) was issued for computer repair at 7450 West Cheyenne Avenue, Suite #104. The license was marked out of business on 07/22/08.
12/13/06	A business license (K10-00215) was issued for an insurance sales agency at 7450 West Cheyenne Avenue, Suite #105. The license is active.
12/13/06	A business license (I04-03390) was issued for an insurance producer at 7450 West Cheyenne Avenue, Suite #105. The license is active.
11/30/07	A business license (C07-03782) was issued for new clothing sales at 7450 West Cheyenne Avenue, Suite #104. The license was marked out of business on 06/03/08.
Pre-Application Meeting	
09/18/09	Submittal requirements for a Special Use Permit were discussed. There were no issues noted. The applicant stated that the previous use in the subject suite was a clothing store, and that there is a children's learning center located within the same shopping center. The shopping center area exceeds 25,000 square feet.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
10/15/09	Staff observed a vacant suite within a well maintained shopping center.

Details of Application Request	
Site Area	
Net Acres	2.39

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Mini-Warehouse	SC (Service Commercial)	C-1 (Limited Commercial)
South	Public Library	PF (Public Facilities)	C-V (Civic)
East	Mortuary	SC (Service Commercial)	C-1 (Limited Commercial)
West	Convenience Store with Fuel Pumps/Car Wash, Full Service	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 Feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	28,355 SF	1/250 SF GFA	109	5	178	4	
TOTAL	28,355 SF		114		182		N

ANALYSIS

The applicant is proposing to establish a Thriftshop use in an existing 1,200 square-foot suite located within an existing 28,355 square-foot shopping center. This is the first request for a Thriftshop or Secondhand Dealer use to locate in this shopping center. The proposed store will sell both new and slightly used children's merchandise, including clothing, accessories, toys, kids' furniture and similar items. This description is consistent with the Thriftshop use defined by Title 19. The addition of a Thriftshop use within the existing shopping center is compatible with the existing land uses. On-site parking requirements have been met for the proposed use, with the exception that an additional handicap-accessible space is required, based on the number of required parking spaces for the Shopping Center use. Staff recommends approval upon condition that the store be restricted to the requested hours of operation and that an additional handicap space be provided on a revised site plan.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The proposed Thriftstore use is permitted in the C-1 (Limited Commercial) zoning district and is located within an existing in-line retail/office building adjacent to Mini-Warehouse, Convenience Store, Mortuary and Library (Public) uses. The use can be conducted in a manner that is harmonious and compatible with these surrounding uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

There are no other Thriftstore or Secondhand Dealer uses within the immediate area. This use will be located within an existing in-line retail/office building. The subject site contains adequate parking facilities to accommodate the proposed use.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

Access to the site is provided by Cheyenne Avenue and Buffalo Drive, both 100-foot wide arterial streets as designated by the Master Plan of Streets and Highways. These roadways are adequate in size to meet the requirements of the Thriftstore use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of the Thriftstore use at the proposed location will not compromise the public health, safety or welfare, and is consistent with the objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

By condition, the use shall meet all Title 19.04 conditions pertaining to the Thriftshop use, including a prohibition on all outdoor display, sales or storage of merchandise.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 479 by City Clerk

APPROVALS 0

PROTESTS 0